

ASSEMBLY BILL

No. 1348

Introduced by Assembly Member Lowenthal

February 21, 2003

An act to amend Section 25250.7 of the Health and Safety Code, relating to hazardous waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 1348, as introduced, Lowenthal. Used oil: mixtures.

(1) Existing law defines “used oil” for purposes of the provisions regulating the handling of used oil and prohibits any person who generates, stores, or transfers used oil from intentionally contaminating used oil with other hazardous waste, except as specified. Existing law allows a used oil recycling facility to mix used oil with a contaminated petroleum product or with an oily waste, other than wastes listed as hazardous under specified federal law, under certain conditions. A violation of the laws regulating used oil is a crime.

This bill would allow a used oil transfer or recycling facility to mix used oil with a contaminated petroleum product or with an oily waste other than wastes listed as hazardous if the facility is authorized by the Department of Toxic Substances Control pursuant to a hazardous waste facilities permit, standardized permit, or other grant of authorization from the department. Since a violation of the bill’s requirements would be a crime, the bill would impose a state-mandated local program by creating a new crime.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 25250.7 of the Health and Safety Code
2 is amended to read:

3 25250.7. (a) Except as provided in subdivision (b) or (c), no
4 person who generates, stores, or transfers used oil shall
5 intentionally contaminate used oil with other hazardous waste
6 other than minimal amounts of vehicle fuel.

7 (b) A used oil *transfer or recycling facility authorized by the*
8 *department pursuant to Section 25200, 25200.5, or 25201.6* may
9 mix used oil with a contaminated petroleum product or with an oily
10 waste other than wastes listed as hazardous under the federal act,
11 if both of the following conditions apply:

12 (1) If the resultant mixture is subject to regulation as a
13 hazardous waste under paragraph (2) of subsection (b) of Section
14 279.10 of Title 40 of the Code of Federal Regulations, it is
15 managed as a hazardous waste in accordance with all applicable
16 hazardous waste regulations.

17 (2) The resultant mixture is used to produce recycled oil, as
18 defined in paragraph (3) of subdivision (a) of Section 25250.1, at
19 a used oil recycling facility solely by means of a process that has
20 been specifically authorized by the department.

21 (c) A generator or transporter may mix used oil with one or
22 more contaminated petroleum products if the mixture is managed
23 in accordance with Section 25143.2 or if all of the following
24 conditions apply:

25 (1) If the resultant mixture is subject to regulation as a
26 hazardous waste under paragraph (2) of subsection (b) of Section
27 279.10 of Title 40 of the Code of Federal Regulations, it is
28 managed as a hazardous waste in accordance with all applicable
29 hazardous waste regulations.

30 (2) (A) Except as provided in subparagraph (B), the resultant
31 mixture is transported to a used oil recycling facility that issues a
32 statement, in writing, to the generator or transporter that the
33 mixture will be used to produce recycled oil, as defined in



1 paragraph (3) of subdivision (a) of Section 25250.1, at a facility
2 authorized to operate pursuant to Section 25200 or 25200.5 solely
3 by means of a process that has been specifically authorized by the
4 department.

5 (B) If the resultant mixture is transported to a used oil recycling
6 facility located in another state, that facility is authorized by the
7 agency authorized to implement the federal act in that state.

8 (3) The mixing is not conducted in a manner ~~which~~ *that* violates
9 subparagraph (C) of paragraph (3) of subdivision (a) of Section
10 25250.1.

11 (4) The transporter tests the halogen content of the used oil to
12 demonstrate compliance with clause (vi) of subparagraph (B) of
13 paragraph (3) of subdivision (a) of Section 25250.1 before mixing
14 the used oil with the contaminated petroleum product.

15 SEC. 2. No reimbursement is required by this act pursuant to
16 Section 6 of Article XIII B of the California Constitution because
17 the only costs that may be incurred by a local agency or school
18 district will be incurred because this act creates a new crime or
19 infraction, eliminates a crime or infraction, or changes the penalty
20 for a crime or infraction, within the meaning of Section 17556 of
21 the Government Code, or changes the definition of a crime within
22 the meaning of Section 6 of Article XIII B of the California
23 Constitution.

